



# MAYOR AND COUNCIL AGENDA

NO. 15

DEPT.: Finance /

DATE: September 15, 2004

**ACTION:** Adoption of Ordinance to Levy Special Assessments for Driveway Aprons constructed in Fiscal Year 2004

**ACTION STATUS:**

**FOR THE MEETING OF:** 11/01/04

INTRODUCED 10/04/04

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

**ROCKVILLE CITY CODE,**

CHAPTER

SECTION

☐ CONSENT AGENDA

**RECOMMENDATION:** That the Mayor and Council adopt this Ordinance.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

Assessments in the amount of \$5,639.74 will be levied against various residents. The assessments may be paid over a five-year period.

**BACKGROUND:** In response to various residents' requests, the City contracted to have 8 driveway aprons constructed in Fiscal Year 2004 at a total cost of \$5,639.74. Each property owner has executed a waiver form providing that the cost of construction shall be assessed against the properties abutting the improvements without further public hearing.

PREPARED BY:

Marielena Uehara-Collado sgl

Marielena Uehara-Collado, Revenue Assistant II

APPROVE:

JD Boxer

Donna J. Boxer, Director of Finance

10/22/04

Date

Cathi Tuck Parrish

Catherine Tuck Parrish, Acting City Manager

10/26/04

Date

LIST OF ATTACHMENTS: Ordinance

Ordinance No. \_\_\_\_\_

ORDINANCE:

To Levy Assessments - Driveway  
Aprons various locations  
Proj. No. 4A12

WHEREAS, the City Manager has advised the Mayor and Council of the completion of the construction of driveway aprons in various locations in Rockville, Montgomery County, Maryland theretofore authorized by the owners of the affected properties; and

WHEREAS, said property owners executed Request and Waiver forms which provide that the cost of construction shall be assessed against the properties abutting the improvements without further public hearing;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND

1. That the work described herein, having been authorized by Request and Waivers on the dates noted, is hereby accepted and approved, said work having been completed according to the description and statement of cost listed below:

Description: Installation of concrete driveway aprons.

Statement of Cost:

<u>Project No.</u>	<u>Location</u>	<u>Assessment</u>	<u>Assessment With Interest</u>
4A12	Various	\$4,954.28	\$5,639.74

2. Pursuant to the provisions of Article XI of the Charter of the City of Rockville, Maryland, the expense of the work described in paragraph 1 above is hereby levied as special assessments against the benefited properties in the amounts shown on the list below. The work described above is hereby found and declared to be of special benefit to the properties shown on said list in the amounts assessed on said list. The amounts assessed on the list shown in paragraph 6 below labeled "Assessment" are due and payable, in full,

by the property owners on or before, November 30, 2004.

3. Payment of the amounts assessed may be made in five (5) equal installments at the rate of interest of 4.4811% per annum as follows:

a. 1/5th thereof immediately upon the adoption of this ordinance. If such payment is not paid on or before November 30, 2004 there shall be charged additional interest and penalty charges as provided in Chapter 22, Section 22-5 of the "Rockville City Code."

b. 1/5th thereof on the first day of July 2005 and 1/5th thereof on the first day of July of each year thereafter until finally paid. Any such installment thereon that is not paid on or before the thirtieth day of September following its due date shall be subject to additional interest and penalty charges as provided in Chapter 22, Section 22-5 of the "Rockville City Code."

c. The total amount paid by any property owner electing to defer payment as set forth above is shown in the "Assessment With Interest" column in paragraph 6 hereof.

4. All assessments levied hereunder shall be collected in the same manner as are City taxes in Rockville, Montgomery County, Maryland.

5. In the event that any one or more of the assessments levied by this ordinance are found by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of the assessments herein; and the Mayor and Council hereby declares that it would have levied the remainder of such assessments, regardless of the invalidity of such assessment.

SPECIAL ASSESSMENTS  
Project No. 4A12

<u>Lot Block</u>	<u>Subdivision</u>	<u>Location</u>	<u>Waiver Date</u>	<u>Assessment</u>	<u>Assessment With Interest</u>
Q-5	Silver Rock	1004 Gilbert Rd	7/4/03	736.09	837.93
S-3	Silver Rock	1103 Baltimore Rd	8/1/03	764.63	870.42
N-4	Silver Rock	1016 Maple Ave	8/6/03	622.64	708.79
6-5	Warrens Add	1223 Simmons Dr	8/22/03	495.34	563.89
15-L	Rockland Sec2	1909 Gainsboro Rd	8/26/03	675.93	769.45
15-C	Rockland Sec1	1908 Gainsboro Rd	8/29/03	509.81	580.35
23-13	Warrens Add	1404 Lewis Ave	10/8/03	493.90	562.23
25-D	Twinbrook	13212 Midway Ave	10/27/03	655.94	746.68
<b>Total</b>				<b>\$4,954.28</b>	<b>\$5,639.74</b>

Ordinance No. \_\_\_\_\_

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SPECIAL ASSESSMENTS (Continued)

Project No. 4A12

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I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council of Rockville at its meeting of November 1, 2004.

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Claire F. Funkhouser, City Clerk